

July 1, 2014

7:00 p.m.

Planning Department
Council Chambers

Members Present: Commissioners George Swaney, Brent Dixon, Natalie Black, George Morrison, Margaret Wimborne and Kurt Karst.

Members Absent: James Wyatt and Donna Cosgrove.

Also Present: Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, Current Planner, Brent McLane and interested citizens.

Call to Order: Chair Swaney called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

Minutes: Wimborne moved to approve the minutes of March 4, 2014. Morrison seconded the motion and it passed unanimously.

Public Hearings:

Conditional Use Permit for an Open-Air Pavilion at a Church in the R-1 Zone: Beutler presented the staff report, a part of the record. Residential uses exist immediately to the west of the church property. The pavilion will be constructed on the northwest portion of the property in the existing grass area. Wimborne asked about the construction of the wind wall. Swaney opened the public hearing.

Cory Roberts, NBW Architects, 119 Michelle Drive, Sugar City, Idaho. Roberts submitted an elevation drawing of the building to the Commission. The building could include a block wall or steel siding and possibly a brick veneer depending on the client's preferences. Morrison asked if there was a reason that the pavilion was placed on the west side instead of the east side away from the residences. Roberts indicated that he would need to consult with the project manager, but it could be because power already exists there with the other out building. Black asked for clarification about the lighting, whether it would be inside the building or out. Roberts indicated that it would all be ceiling mounted lighting.

Michael Boyd, 1805 Sequoia Drive. Boyd is concerned about privacy. He currently has a five foot block wall fence and has no privacy when the church is having functions. Would like some type of barrier.

James Ward, 1825 Sequoia Drive. Not opposed to the pavilion, but would like to maintain privacy. The other option would be to move the pavilion to the other side of the property. Has problems with kids teasing the dog through his fence.

Aaron Reese, 1785 Sequoia Drive. The church has several functions during the summer and they would like to maintain their privacy. They have had problems with children feeding their dog through the fence. Would not be opposed to pavilion if addressed privacy issue.

Dixon asked staff if there was a previous agreement that would have required a fence or landscaping to buffer the property. Staff indicated that they did not come across any previous agreements. Dixon then asked what the buffering requirement would be for this property. Staff indicated that the zoning for the church is R-1 the same as the residences so the zone district would not require a buffer. The ordinance does require a minimum buffer of a 7 to 10 foot planting strip with trees and ground cover plus a wall,

fence or hedge for parking lots over five spaces. This buffer would not be required north of the parking area. The Planning Commission can also require a buffer that they feel is appropriate to buffer a potential use.

Cory Roberts, NBW Architects, 119 Michelle Drive, Sugar City, Idaho. The church tries to be a good neighbor and are glad to hear the concerns of the neighbors. He would have to go back and discuss with the church the possibility of a fence to address the concerns. Swaney asked if the property owner would be willing to provide a fence along the west property line. Roberts again indicated that he would need to discuss that with the property owner. It is something that they might be willing to entertain.

Dixon asked staff if the church was constructed before the residences. Staff indicated they were unsure and would need to research that further.

James Ward, 1825 Sequoia Drive. Ward indicated that his home was built in 1958 and he doesn't think the church is that old. He would prefer to have an eight foot tall fence and be given his privacy.

Morrison said that moving the pavilion would solve a lot of the problems, but a fence might be necessary. Karst agrees with Morrison. Churches are allowed in residential areas because they are typically a benign use. In recent years churches have had more and more functions and created more issues in neighborhoods. The appropriate thing to do would be to move the pavilion away from the residences. The best buffer would be distance. Dixon indicated that he used to live on the corner of Sequoia and Azalea. A lilac hedge used to provide a buffer before it was removed. With this new use the property could be brought up to the current code to buffer the parking. Black concurred that it would be better to have the pavilion moved, but would want to know what the applicant was willing to provide.

Morrison moved to approve the Conditional Use Permit with the condition to have the pavilion moved to the northeast end of the property with a six foot opaque fence being installed next to the open area. Discussion followed regarding the motion and clarification from staff on the buffering requirements. **Karst seconded the motion and it failed by a vote of 2-4. Black moved to table the item to the August 5, 2014 Planning Commission meeting for further information to be provided by the applicant and staff related to the required buffering. Dixon seconded the motion and it passed unanimously.**

Rezone from PB to RSC-1, Lot 1, Block 3, Parkwood Meadows Addition, Division No. 1: Beutler presented the staff report, a part of the record. The property was developed as a bank. The bank use is proposed to continue, but the applicant would like to change the zoning to allow more flexibility in signage, specifically the inclusion of an electronic message center. The RSC-1 Zone requires a minimum of 2 to 20 acres. The bank property is slightly smaller than the required two acres. The Commission can consider smaller areas for the RSC-1 if the objectives of the land use plan can be better satisfied. Swaney asked for clarification about the property size. Staff verified that the property is smaller than the minimum two acres. Wimborne asked about the height of the building in relation to the possible 30 foot tall sign. Black asked about the difference in uses allowed between the RSC-1 and the PB. Staff indicated that the existing PB zone allows for professional office uses where the RSC-1 would allow for more retail and service uses.

Swaney opened the public hearing. With no one to speak to the item Swaney closed the public hearing. He then asked for additional discussion from the Commission.

Karst indicated that he doesn't prefer to change the zoning to accommodate a change in signage. A change in zone could allow for a change in use. He would rather see the City address the sign code than change the zoning of the property. Morrison stated that he agrees with Karst and the current zoning is appropriate. Wimborne also agrees. Dixon observed that the PB zoned properties in the area abut single family residential and that the properties zoned RSC-1 abut multi-family.

Wimborne made a motion to recommend to the Mayor and City Council denial of the Rezone from PB to RSC-1 for Lot 1, Block 3, Parkwood Meadows Addition, Division No. 1. Morrison seconded the motion and it passed unanimously.

Rezone from RMH to C-1 and Final Plat for Hollipark Addition, Division No. 1: Beutler presented the staff report, a part of the record. The final plat includes a replat of portions of Divisions No. 1 and 2. Only 54 lots have been developed from the original 114 that were platted in 1978 for a mobile home park. The property owners have discovered large rock out crops within the undeveloped area. Five acres of what used to be mobile home lots is proposed to be combined into one lot with a request to rezone the property to C-1 to allow for the construction of storage units. Beutler corrected the zoning request listed in the staff report. The report indicated the request as HC-1, but the property owners have actually requested C-1. The replat will also include the vacation of Mistletoe Drive, Primrose Lane and a portion of Huckleberry Street, all of which have never been constructed. Hawthorne Street will be redesigned to have a cul-de-sac on the west.

Dixon asked about the status of the mobile home park that was proposed along Woodruff Circle. Beutler indicated the applicants are continuing to have discussions with the City about phasing the project or realigning Woodruff Circle so the construction could be more equitable. Swaney asked about Hollipark Drive to the north and whether it is appropriate for that street to dead-end into the mobile home park to the north. Beutler indicated that current standards would not allow that unless it was part of another phase of development. This is an existing subdivision and the layout needs to remain for emergency access. A connection to the mobile home park to the north through Hollipark Drive will continue to be necessary until Hawthorne Street connects to Woodruff Circle on the east.

Chairman Swaney opened the public hearing.

Kim Leavitt, Harper-Leavitt Engineering, Inc., 985 Capital Avenue, Idaho Falls. This property is unlike a normal subdivision plat. The mobile home park is all under one ownership. The homes there rent the lot space. The City has extended a sewer line within Hollipark Drive to the Shady Rest Mobile Home Park north of this subdivision. The shallow rock in the area makes residential development difficult. The proposed storage units seem to be the best use for the property. Black clarified that the rock is preventing the residential development. Leavitt confirmed that each of the service lines would have to be blasted through the rock. A storage facility would only have one set of service lines. Black raised concerns about other uses that are allowed in the C-1 Zone. Leavitt indicated that the property's location would prevent many of the other uses from occurring. The property doesn't have frontage on a major road. Dixon asked if the property to the north that is being replatted has been explored for rock. Leavitt indicated that it has. The rock is shown on the approved improvement drawings. The utilities do not have to be very deep in this area. Dixon asked about changes to the existing lot boundaries in the replatted residential section. Leavitt indicated they are coincident. They might be adjusted by one foot or so depending on the lot.

Swaney asked for further discussion, hearing none he closed the public hearing. He then asked for additional discussion from the Commission.

Dixon sees that there is interest in this area to expand mobile home uses in this area demonstrated by the multiple applications. This particular area has not developed in a long time. Replatting the lots for a better layout as well as utilizing the area for storage units makes sense in this area. Other uses would not be viable. Wimborne stated that she appreciates the land owner's deliberations in developing the property, but is concerned that a buffer is provided for from the commercial uses and the residences. Karst indicated that his only concern would be that the C-1 Zone would sit in this area all by itself and if it would be considered to be a spot zone. Dixon commented that the C-1 makes sense because it adjoins

residential and is not adjacent to a major roadway. This pattern of development is in place elsewhere in this area. Cramer explained that the Commission needs to determine if the C-1 Zone makes sense in this area. For the reasons that Commission Dixon gave staff would agree that this would not be a spot zone. **Dixon moved to recommend to the Mayor and City Council approval of the rezone request from RMH to C-1 and Final Plat for Hollipark Addition, Division No. 1. Wimborne seconded the motion and the motion passed unanimously.**

Proposal to Zoning Ordinance Section 4-26-H.2. to Modify Calculation of Permitted Floor Space for Home-based Daycares: Cramer presented the staff report, a part of the record. He referred the Commission to the letter in their packets from Karri Sloan. The Zoning Ordinance limits a home occupation to 25% or less of the ground floor living area of a home. Sloan's criticism of this approach is that it unfairly favors single level homes. Cramer then went through examples of different housing types and the numbers of children each would be able to care for.

The proposed ordinance would provide for an exception to the 25% for daycares. Daycares would be allowed to use the lesser of 25% of all finished living area or twice the exterior footprint. Regardless of this requirement the maximum children allowed for a home daycare would be 12 because of limitations within the building code and zoning ordinance. Black asked about whether it would be better to have the kids all on one floor or if it would be better to have them distributed throughout the home. Cramer indicated that the building code will not allow a daycare to operate on the second level. They can utilize a basement if there is proper exiting.

Cramer then discussed the additional traffic that a daycare or preschool would generate. Wimborne commented that if we make this change to the ordinance we are speculating that daycares who aren't currently registered will register. She also asked for clarification on the allowing more than 12 children. Cramer indicated that home day cares under the home occupation permit are not allowed to have employees. There would be some limitation to the number of children someone can care for just by the number that one person would be allowed to watch. Swaney commented that it appears that we trying to establish an equitable approach to regulating daycares outside of the configuration of the home. Dixon question Sloan's letter and the inequities identified by not being able to count the second story when the building code doesn't allow you to utilize the second story for the use.

Black commented that a daycare provider can't be in multiple places at one time, so spreading the children out among different floors of a home creates a safety issue. Karst stated that the proposed equation for calculating the number of children seems convoluted. If the intent of the ordinance change is to make it equitable for all housing types then maybe we should consider a percentage of the overall living space. The other ordinances could regulate what floors the facility can actually operate on. The current proposal could be difficult for applicants to understand.

Dixon commented that there are three aspects in this discussion. One is if the person running the business can be profitable. He doesn't believe that is a top priority when you are talking about a home occupation in a residential area. If you want to have a profitable business then set up in a business zone. Home occupations are typically supplementary income rather than a primary income so the decision is not based on number of kids to make a living. The second aspect is the safety of the kids. The third aspect is the impact to neighborhoods and neighbors. When you put a large number of kids in a neighborhood in a residential dwelling that is also a residence then you are potentially changing the character of the neighborhood. Profitability seems to be the least of the priorities.

Wimborne asked for clarification on the fire code and whether an individual could use the second story of a building for the day care. Is it possible for the ordinance to be written to calculate the number of children allowed based on usable square footage? If the second story cannot be used it does not make sense for us to allow it to be counted toward the square footage and the number of children. Dixon

commented that there is a portion of your home that is private space and a portion that is more public space where a use like this could take place.

Discussion followed regarding different housing types and whether the same number of children should be put in a smaller space in a two story or multi-story home versus a ranch. Dixon commented about the character of neighborhoods. A lot of neighborhoods have similar housing types and so a change in the way the number of children is calculated does result in a change to the neighborhood.

Swaney opened the public hearing to the audience and after hearing no comments closed the public hearing. He then asked for additional discussion from the Commission.

Karst commented that he is not sure that the proposed ordinance language created any more equity. Wimborne indicated that she feels the city should look at the ordinance as a whole. She is reluctant to support changing the ordinance without making sure the City's daycare ordinance has sufficient specificity to address the safety of the children.

Wimborne made a motion to table this item to the August 5, 2014 meeting to have the staff provide more information so the Commission can look at it in its entirety versus just the zoning. Dixon seconded the motion. Cramer asked if the Commission could provide more direction to staff as to the information they would like brought back in August. Discussion followed from the Commission on specific topics with them indicating the following:

- Home day care functioning as more of a business versus operating as a secondary use to the home.
- Language that would provide a maximum number of children regardless of home size.
- Simplifying the process and the proposed language.
- Clear language that doesn't allow a second story to be used for the day care use.

Wimborne withdrew her motion because she doesn't believe she can give staff clear direction on the ordinance. She is not in favor of what is proposed. **Karst made a motion to recommend that the Mayor and City Council not adopt the amendment to Zoning Ordinance Section 4-26-H.2., as written and requested staff, legal counsel, and Councilman Whittier review comments by the Planning Commission and present an amended Ordinance for their consideration. Morrison seconded the motion and passed unanimously.**

Adoption of updated Social and Economic Profile of Idaho Falls and Bonneville County and Background Studies of the Idaho Falls Comprehensive Plans: Bonneville County has requested the City delay taking action on these documents until August to allow them to complete their review of the materials. McLane presented the staff report on the Social and Economic Profile, a part of the record. Idaho Falls had 12% population growth from 2000 to 2010. There has been significant increase in the number owners paying more than 30% of their gross income towards housing costs from 2000 to 2010. The most predominate professions in the City are retail and health care at about 14%. The greatest increase in jobs in 2010 was within the sector that includes arts, recreation, accommodations and food service. Dixon asked if the document also covered the county or just the City of Idaho Falls. McLane verified that the data also includes Bonneville County.

Beutler presented the staff report on the Background Studies, a part of the record. The Background Studies cover several different topics as set out by statute. Since the report was last updated in 2008 the City boundaries have expanded by a little more than 400 acres. Agricultural uses have increased by 250%, but that is really a result of developers annexing their properties prior to development and then continuing the ag use. Vacant land in the City has decreased by 40% that indicates that growth is occurring. Dixon commented that it would be useful to know the same information relating to vacant commercial buildings. With regard to zoning trends the R-1 is still the most utilized zone district. Karst

asked about the increased capacity available in the City system with the creation of the Eastern Idaho Regional Wastewater System. Beutler stated that in 2010 the load was 11.5 million gallons per day and with the City of Ammon over to the regional system it reduced 9.2 mgd. **Dixon made a motion to table this item to the August 5, 2014 meeting as requested by Bonneville County. Black seconded the motion and it passed unanimously.**

Business:

Final Plat: Bari Addition, Division No. 4: Beutler presented the staff report, a part of the record. Dixon asked clarification on the location of the Integrow facility mentioned in the staff report.

Kim Leavitt, Harper-Leavitt Engineering, Inc., 985 Capital Avenue, Idaho Falls. Anheuser-Bush has purchased the old Modelo plant. They use both facilities together. This lot doesn't have frontage, but will have access from the existing facility which has access on Highway 91. Dixon asked about a cross-access agreement as part of the plat. Beutler indicated that the City Surveyor had indicated that they could address it as part of the development agreement. Dixon said it is typically addressed through a cross-access agreement. Karst asked if the City was requiring the pre-treatment. Leavitt indicated that Anheuser-Bush is trying to avoid the charge from the City to treat the water. Kurst asked the reason the lot was plated separately versus expanding the existing plat. Leavitt said that was at the request of Anheuser-Bush because of the various parties and different groups within the company. **Wimborne made a motion that the Commission recommend to the Mayor and City Council approval of the Final Plat for Bari Addition, Division No. 4 as presented. Morrison seconded the motion and it passed 4-1. Dixon opposing. Dixon said he believes there should be a cross-access agreement.**

Miscellaneous:

Bonneville County Planning Commission Report. Swaney poled the Commission members to see if August or September would be better to hold the next joint Planning Commission meeting with the County Commission.

Meeting adjourned at 10:07 p.m.

Respectfully Submitted,

Kerry Beutler, Assistant Director